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**AFGHANISTAN**

# Land Titling & Tenure Security

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PHOTO: USAID/AFGHANISTAN

*Ribbon Cutting Ceremony for the Bagrami Industrial Park (left to right): Minister of Mines & Industries Mir Mohd. Sediq, Minister of Commerce Hedayat Amin Arsala, U.S Embassy Charge d’Affairs Richard Norland, USAID/Afghanistan Mission Director Alonzo Fulgham, and Head of AISA Omar Zakhilwal.*

## INDUSTRIAL PARKS

USAID is financing the construction of three industrial parks to stimulate investment and minimize potential business risk to the investors. The provision of a clear marketable title is projected to be a major incentive for attracting investor interest. The status to date is:

- Completed 95% of Bagrami Industrial Park.
- Completed 35% of Kandahar Industrial Park.
- Completed 11% of the Mazar-e Sharif Industrial Park.

## OVERVIEW

Land titling and tenure security are endemic and wide-reaching problems that hinder the use of the country’s land assets and deter foreign investment. Issues include: 1) unclear property rights and tenure security, 2) disorganized land registration systems, 3) deficient private property legal framework, and 4) overlap and friction between customary and statutory law over authority in land dispute cases. Although the Government of Afghanistan has recognized the importance of this issue, it lacks the institutional capacity to resolve the problem.

## USAID PROGRAMS

In order to improve land titling and tenure security, and to help stimulate private investment and economic growth, USAID launched a program in 2004 to work in conjunction with Afghan government ministries, the Supreme Court, municipal authorities, and provincial officials. The objectives of this three-year \$19.1 million program are to develop a transparent, efficient, and accessible land registration system, create a consolidated land administration system incorporating best international practices, and ultimately increase land availability for private investment.

## KEY ACTIVITIES

- Establish a consolidated land administration system that unites all land mapping, registration, record keeping, and titling functions into one database for use by investors, courts, and land office administrators.
- Develop local administrative capacity to identify and map property boundaries.
- Create a land tenure legal framework.
- Include informal settlements into the formal property registry system.
- Establish pilot land titling, property dispute, and women’s legal defense pilot programs.
- Reorganize land records offices’ archives.



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## Land Titling & Tenure Security (continued)



PHOTO: USAID/AFGHANISTAN



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*Before and after photos of organization of property records in Kabul, Mazar-i Sharif, Kunduz, and Parwan provinces. Property records have been catalogued more efficiently, reducing access time from two-three months to just fifteen minutes.*



PHOTO: USAID/AFGHANISTAN

*Ms. Malika Qanih, an Afghan business owner, receives a certificate of ownership during the opening ceremony at Bagrami Industrial Park in October 2005.*

### ACCOMPLISHMENTS

USAID is supporting the transfer of clear, marketable ownership title to Afghan citizens in a manner that is efficient and effective. To date the program has:

- Completed aerial mapping for 2 pilot districts in Kabul;
- Reorganized five Makhzans (provincial deed offices);
- Registered 3 million deeds for an estimated 88% of properties;
- Renovated 14 provincial land records offices that hold 85% (3.8 million) of all property records in Afghanistan;
- Trained land record judges in the use of a new legal information system;
- Established a pilot consolidated land administration system as a model for future registry offices;
- Trained Afghan technicians in the production of property maps and geographic information systems based on digital aerial photography and satellite images;
- Simplified the land registration process; and
- Improved regulations for existing land registration.

### CHALLENGES

The land titling program has achieved significant results within a short time period. However, notable challenges remain, which include the lack of trained public sector personnel, corruption, and poor infrastructure. As a short-term measure to provide access to secure land for investors, USAID is constructing three industrial parks in three major urban centers. Property rights will be ensured and infrastructure as well as security will be provided in these parks. The parks have proven extremely popular with investors, and encourage industrial growth in properties adjacent to them. In the long-term, the program's success will be determined by the ability of the Afghan government to pay and retain trained staff, enforce and support the authority of land courts, and maintain the administrative systems that are being put into place.